

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, the title has been amended to be more descriptive.

Claims 2, 5, 6 and 7 are currently being amended. Claims 2 and 5 have been amended to be in independent form, without narrowing their scope. Claim 6 has been amended to correct an informality and a clerical error without narrowing its scope. Claim 7 has been amended to correct an informality without affecting its scope.

New claims 8 and 9 are being added. Support for new claims 8 and 9 can be found at least in Figures 1(a)-1(b), and 3(a)-3(b), respectively.

This amendment adds and changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-9 are now pending in this application.

### ***Drawings***

The Office Action indicated that Figure 4 should be designated by a legend such as -Prior Art-. In response, Figure 4 has been amended to include the label "PRIOR ART".

### ***Specification***

The Office Action indicated that the title is not descriptive. In response, the title has been amended to be more descriptive.

### ***Claim objection***

Claim 6 was objected to for informalities. In response, claim 6 has been amended to change "said said auxiliary scanning" to "said auxiliary scanning", thus overcoming the objection.

**Amendments to the Drawings:**

The drawing sheet attached in connection with the above-identified application containing Figure 4 is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet or sheets. The drawing figure 4 has been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific changes which have been made to Figure 4 is to include the legend "PRIOR ART".

***Rejection under 35 U.S.C. § 102***

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,892,595 to Yamakawa et al. (hereafter “Yamakawa”). Applicant respectfully traverses this rejection for at least the following reasons.

As an initial matter, it appears that the Office Action may have intended to reject all of claims 1-7 under 35 U.S.C. § 102(b) as anticipated by Yamakawa, since the body of the rejection on page 4 of the Office Action addresses limitations in claims 5-7. For the purposes of this response, applicant presumes that all of the claims 1-7 stand as rejected under 35 U.S.C. § 102(b).

Independent claim 1 recites “a control section for detecting a reference position based on the reference position pattern element thus read and setting said image reading carriage at a prescribed position based on the reference position thus detected.” (Emphasis added). Yamakawa fails to disclose or suggest at least this feature of claim 1.

Yamakawa discloses an image reading apparatus including a reference pattern having slanting lines (abstract). A reference-position determining unit detects one of the slanting lines in the reference pattern based on image data output from one of a number of image sensors so that a position of the image data when one of the slanting lines is detected is determined as a reference position (abstract). First and second line correcting units output image data having color values at a corrected position of each picture element based in part on the reference position (abstract).

In contrast to claim 1, however, Yamakawa does not disclose or suggest setting an image reading carriage at a prescribed position based on a reference position detected based on a reference position pattern element. While Yamakawa uses its determined reference position to correct the positions of output image data, Yamakawa does not use its determined reference position to set an image reading carriage at a prescribed position. Thus, Yamakawa fails to anticipate or render obvious claim 1.

Independent claim 2 includes all the limitations of claim 1, and thus is patentable over Yamakawa for at least the same reasons. Furthermore, claim 2 recites “a shading plate

having a shading pattern formed thereon for performing shading correction, said reference position pattern element being formed on said shading plate at a portion thereof unprovided with said shading pattern.” Yamakawa also fails to disclose this feature of claim 2. The Office Action cites to Figure 26 and col. 27, lines 20-27 of Yamakawa as disclosing the features of claim 2. The cited section of Yamakawa, however, merely discloses a correction unit 322 that provides shading correction to an error correcting part 324 of the Yamakawa device. The cited section, however, does not disclose a shading plate with a shading pattern, much less a shading plate with a reference position pattern element being formed thereon.

Independent claim 5 includes all the limitations of claim 1, and thus is patentable over Yamakawa for at least the same reasons. Furthermore, claim 5 recites “wherein said control section reads said reference position pattern element by first moving said image reading carriage a predetermined distance forwardly in an auxiliary scanning direction and then moving it rearwardly.” (Emphasis added). Yamakawa also fails to disclose this feature of claim 5. The Office Action cites to col. 26, lines 13-21 of Yamakawa as disclosing the features of claim 5. The cited section of Yamakawa, however, does not disclose moving an image reading carriage forwardly in an auxiliary scanning direction and then moving it rearwardly. As shown in Figure 23 (which is referenced in the cited section) of Yamakawa, the error measurement window is not moved rearwardly in the sub-scanning (auxiliary scanning) direction. Thus, claim 5 is further patentable over Yamakawa for this reason.

The dependent claims are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

*New claims*

New Claims 8 and 9 have been added to recite additional features of the present invention that are not believed to be discussed, taught, or suggested by Yamakawa.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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ANNOTATED SHEET  
Inventor: AOKI  
Atty Dkt. No.: 043118-0102  
Application No. 09/835,851  
IMAGE READING APPARATUS INCLUDING REFERENCE POSITION  
PATTERN ELEMENT (As Amended)  
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FIG.4  
PRIOR ART

